



POISON, TORTURE, LIES AND REPRESSION: HUMAN RIGHTS IN RUSSIA TODAY

A Report of the Conservative Party Human Rights Commission
October 2018

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About the Conservative Party Human Rights Commission

The Conservative Party Human Rights Commission was set up by the then Shadow Foreign Secretary, the Rt Hon Liam Fox MP, in 2005 to highlight international human rights concerns, to inform, advise and enhance the party's foreign policy. Freedom and human dignity should be at the heart of foreign policy and the Commission aims to ensure that the importance of fundamental human rights is kept high on the political agenda. The Chair of the Conservative Party Human Rights Commission is appointed by the Leader of the Conservative Party, and is currently Fiona Bruce MP. Since its creation the Commission's Chairs have included Gary Streeter MP, the Rt Hon Stephen Crabb MP, the Rt Hon Sir Tony Baldry QC MP, and Robert Buckland QC MP.

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Foreword

By Fiona Bruce MP, Chairman of the Conservative Party Human Rights Commission

As I heard at hearings of the Conservative Party Human Rights Commission of the first-hand, personal experiences of Bill Browder whose lawyer, Sergei Magnitsky, had been tortured and beaten to death in a Russian prison and who himself receives constant threats, of Vladimir Kara-Murza Jr, who had survived two attempts to poison him, from Marina Litvinenko, whose husband Alexander had been assassinated in London twelve years ago, of Zoya Svetova, a brave Russian journalist, from Mikhail Khodorkovsky, who had endured ten years in a Russian prison having been the wealthiest man in the country, and by Skype from Garry Kasparov, the world chess champion driven into exile because he could not freely conduct his political activities in Russia, I was both appalled and inspired. Appalled at the brutality of the system over which Vladimir Putin presides; inspired by the dignity, courage, and quiet persistence of these and many other brave people in Russia working to defend human rights.

This report is the result of months of work by the Conservative Party Human Rights Commission, which I have the privilege to chair. It is the outcome of three hearings where we sat in the United Kingdom's Parliament buildings listening to these first-hand stories of murder, torture, intimidation, harassment, imprisonment and repression. It draws on the excellent evidence submitted to us in writing by at least fifteen different sources, including Russian human rights defenders and international human rights organisations. And it is a call to action.

Sometimes it is difficult to make the case as to why Britain should publicly, openly and actively promote human rights in different parts of the world. Sometimes there will be people who will argue that a country is distant, with no particular connection to Britain, and therefore of little concern to us. Other times there will be those who will prioritise trade and investment, or geopolitical concerns, and argue that we should not jeopardise our relations with a given country by raising human rights concerns. But as in the case of Russia, our national interest and our moral duty are clearly and very obviously aligned. Martin Luther King Jnr said: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a simple garment of destiny. Whatever affects one directly affects all indirectly." Vladimir Putin's regime has attacked his critics on our streets, and endangered the lives of our citizens in the process. He is accused of interfering in elections in different parts of the world. Those who support his regime financially own property, do their shopping and invest their assets in London. He has sent submarines and jets close to our coast. His regime is a threat both to his own people, and to ours. And for that reason it is imperative that we take a stand, to speak out against the grave violations of human rights for which his regime is responsible, and to challenge its behaviour.

I therefore commend this report. I hope Her Majesty's government will study the evidence and the recommendations provided within it seriously, and that the Conservative Party Human Rights

Commission's inquiry on Russia will be used to better inform, and shape, the United Kingdom's policies towards Russia.

Fiona Bruce MP
October 2018

Introduction

“Arbitrary detention, slanderous propaganda, electoral disenfranchisement, and even long-term imprisonment are not the worst consequences for those who oppose the regime. Increasingly, murder or attempted murder is becoming a tool of political reprisals in Russia” – Vladimir Kara-Murza

“Damage is caused ... by inaction or turning a blind eye to rights violations, such as congratulating Putin on his ‘re-election’, which was anything but democratic, or the recent calls for bringing him back to the G7/G8. It creates an impression that any amount of human rights violations will eventually (and sooner rather than later) be forgotten and forgiven” – Oleg Kozlovsky

Vladimir Putin has ruled Russia for almost two decades, serving three full terms as President and one term as Prime Minister. A former KGB officer, he was chosen to succeed Boris Yeltsin in 1999. In 2018 he was re-elected to serve a fourth term as President, in an election that cannot be described as democratic.

During the past two decades human rights in Russia have deteriorated significantly. Every submission to our inquiry indicates this. Reporters Without Borders argue that “Vladimir Putin’s 18 years in power in Russia have had a disastrous effect on freedom of expression in the country. Russia has an abysmal record on press freedom ... The deterioration of press freedom has descended to a state of repression not seen since the fall of the USSR.” Amnesty International highlight “a significant deterioration in the human rights situation” in recent years. Dr Andrew Foxall, Director of the Russia and Eurasia Studies Centre at the Henry Jackson Society says that “a defining feature of Vladimir Putin’s regime is its blatant disregard for human rights, both inside and outside Russia’s internationally-recognised borders”. Vladimir Kara-Murza, a prominent Russian pro-democracy campaigner who has survived two attempted assassinations, told the Commission: “Arbitrary detention, slanderous propaganda, electoral disenfranchisement, and even long-term imprisonment are not the worst consequences for those who oppose the regime. Increasingly, murder or attempted murder is becoming a tool of political reprisals in Russia.” In addition, as one expert who wishes to remain anonymous for security reasons told the Commission, “the right to truth and to objective information is violated flagrantly, internally and externally. The Kremlin’s propaganda and disinformation are eroding the truthfulness and the quality of the information space throughout the West.”

In March 2018, former Russian double-agent Sergei Skripal and his daughter Yulia were poisoned with the military-grade nerve-agent Novichok in Salisbury. The Conservative Party Human Rights Commission had already decided to begin an inquiry on human rights in Russia before the tragic attack in Salisbury, but of course this gave our proceedings a particular relevance and topicality, as did Vladimir Putin’s so-called re-election as President, Russia hosting the World Cup, and continuing allegations about Russian intrusion into elections in other countries. Soon after we began this inquiry, the House of Commons voted to implement Magnitsky-style targeted sanctions. Given recent events following the conclusion of our inquiry, including the United

States President Donald Trump's summit with Vladimir Putin, growing evidence of Russian interference in western democracies, and recent evidence regarding those responsible for the poisoning of the Skripals, it is even more timely and important to draw attention to the deterioration in human rights in Russia. Oleg Kozlovsky told the Commission, "damage is caused ... by inaction or turning a blind eye to rights violations, such as congratulating Putin on his 're-election', which was anything but democratic, or the recent calls for bringing him back to the G7/G8. It creates an impression that any amount of human rights violations will eventually (and sooner rather than later) be forgotten and forgiven. Rhetoric explaining and excusing the authoritarianism in Russia – whether by its ancient history or current geopolitical situation – is also unhelpful as it fuels the Kremlin propaganda's message that Putin has no alternative. In general, any case where democratic countries back off or show weakness emboldens the autocrats in Russia and helps them sell their vision to the Russian people." One expert who wishes to remain anonymous argued that: "Highlighting the extensive violence and torture, and the threats to political and religious freedoms, which are perpetrated with impunity in Russia today, alongside the corruption of the oligarchs, is vital at a time when trust in liberal democracy is undermined every day around the world."

It was for this very reason that the Conservative Party Human Rights Commission decided in 2018 to conduct an inquiry into the human rights situation in Russia. The Commission held three public hearings in the Houses of Parliament, in which we heard oral evidence from former world chess champion and Russian political dissident Garry Kasparov (via Skype); former businessman, former political prisoner and founder of Open Russia Mikhail Khodorkovsky; Vladimir Kara-Murza, Vice-Chairman of Open Russia and Chairman of the Boris Nemtsov Foundation for Freedom; Marina Litvinenko, widow of Alexander Litvinenko who was assassinated in London in 2006; Zoya Svetova, a journalist and human rights activist; Peter Pomerantsev, author of *Nothing is True and Everything is Possible: Adventures in Modern Russia*; David Satter, senior fellow at the Hudson Institute and author of *The Less You Know, the Better You Sleep: Russia's Road to Terror and Dictatorship Under Yeltsin and Putin*; David Mepham, UK Director of Human Rights Watch; and Bill Browder, founder and Chief Executive of Hermitage Capital Management, author of *Red Notice: How I Became Putin's No. 1 Enemy*, and campaigner for Magnitsky legislation around the world, named after his lawyer, Sergei Magnitsky, who was tortured and beaten to death in a Russian jail by eight police officers in 2009.

We wish to put on record our concern, however, that three people from Russia, who were formally invited by the Commission to come to London to testify at a hearing in the Houses of Parliament, were not issued visas by the United Kingdom immigration authorities in time, despite applying for visas in good time. We believe this should be addressed and the United Kingdom should make it a policy to expedite visa applications for civil society activists and human rights defenders from Russia to visit this country. We note the concerns and proposals set out by Open Russia in a supplementary submission to the Commission by its founder Mikhail Khodorkovsky, and urge Her Majesty's Government to review the visa process for Russian citizens.

On 2 March, the Commission published a Call for Evidence setting out our criteria, inviting written submissions on a wide range of human rights issues, including but not limited to: freedom of expression, freedom of assembly, freedom of the press, freedom of religion or belief, space for civil society, the use of State propaganda, torture, surveillance and anti-terrorism laws, conduct of the presidential elections, and Russia's conduct in eastern Ukraine and Crimea. The Commission received written submissions from: Amnesty International, Human Rights Watch, Reporters Without Borders, the Henry Jackson Society, the Memorial Human Rights Centre, Open Russia, Rights in Russia, the European Platform for Democratic Elections, the World Chechen Congress, the European Association of Jehovah's Witnesses, Forum 18 News Service, a joint submission from Article 19, the Mass Media Defence Centre and the SOVA Centre, and from Vladimir Ashurkov, Executive Director of the Anti-Corruption Foundation, Oleg Kozlovsky, award-winning activist, former political prisoner and founder and director of Vision of Tomorrow, and Daniel Lipin, a lawyer and human rights activist and member of the movement for protection of voter rights, 'GOLOS'. ADF International provided a specific submission regarding the case of Donald Ossewaarde, an American evangelical missionary who left Russia after he faced charges for his religious activities. In addition, the Commission had telephone conversations with Daniel Lipin and further discussions with Oleg Kozlovsky, as well as a private meeting with Nikolai Shchur, who provided a copy of a report by a group of independent observers into torture in the criminal-executive system of the Chelyabinsk region.

The Commission also drew on reports from Human Rights First, Human Rights Without Borders, the Henry Jackson Society and the House of Commons Foreign Affairs Committee, as well as media reports and commentary. Furthermore, Bill Browder's book *Red Notice: How I Became Putin's No. 1 Enemy*, Peter Pomerantsev's book *Nothing is True and Everything is Possible: Adventures in Modern Russia*, David Satter's book *The Less You Know, the Better You Sleep: Russia's Road to Terror and Dictatorship Under Yeltsin and Putin*, Garry Kasparov's book *Winter is Coming: Why Vladimir Putin and the Enemies of the Free World Must Be Stopped*, and a book co-authored by Alex Goldfarb and Marina Litvinenko, *Death of a Dissident: The Poisoning of Alexander Litvinenko and the Return of the KGB* were valuable sources of background information.

This report summarises our findings, but the written submissions of those who provided evidence will also be published, with their permission, on our website. The report also includes, as an appendix, the current list of political and religious prisoners, provided by the Memorial Human Rights Centre. The Conservative Party Human Rights Commission hopes that by drawing attention to the deteriorating and grave violations of human rights in Russia, and by providing a number of clear recommendations for British foreign policy, we can make a small contribution to supporting the brave men and women in Russia who risk their lives and well-being to speak up for freedom, justice and human dignity. We hope that by publishing this report we can encourage governments to avoid the danger which Oleg Kozlovsky warned about, the damage caused by "inaction or turning a blind eye" to violations of human rights. The Conservative Party Human

Rights Commission, at least, has not and will not turn a blind eye, and will continue to monitor the situation and speak up for human rights in Russia.

Executive Summary

Without exception, every written submission received and all of the witnesses who testified in person to the Conservative Party Human Rights Commission described a very serious deterioration in respect for human rights in Russia in recent years. Ranging from assassinations of political opponents to harassment and intimidation of human rights defenders, increasing restrictions on civil society, repression of press freedom and freedom of expression, violations of freedom of religion or belief, violations of the right to fair trial, persecution, prosecution and imprisonment of business people apparently as a means of eliminating competition for businesses close to the regime, torture and other ill-treatment and persecution on the grounds of sexual orientation, the human rights situation in Russia today is bleak. Rights in Russia argued in their submission that: “Since Putin came to power in 2000, there has been a political retrenchment that has seen government policy favouring the state bureaucracy against the public. Human rights violations have tended to proliferate in this environment. Today in Russia freedoms of expression, assembly and association (including freedom of religion) are becoming increasingly restricted. At the same time, the anti-Western ideology pursued by Vladimir Putin has been used to depict Western countries as enemies, and westernising reformers within the country as a ‘fifth’ column acting in Western interests. In this context, human rights groups have become a prime target for repression.”

The Memorial Human Rights Centre reports a total of 187 political and religious prisoners, as of 5 September 2018, a number which Vladimir Kara-Murza says is “comparable with the late Soviet period”.

The assassination of political dissidents is a particular concern. On 27 February 2015, opposition leader Boris Nemtsov was gunned down near the Kremlin in what was the most brazen and high-profile assassination in modern Russia. In 2009, human rights defender Natalia Estemirova was abducted and murdered, and in 2006 journalist Anna Politkovskaya was shot dead in her apartment block. The murder of Alexander Litvinenko in the UK in 2006, and the attack on Sergei Skripal in Salisbury in 2018 illustrate the lengths to which Putin’s regime is willing to go to silence its critics. Vladimir Kara-Murza, who gave evidence to our inquiry, survived two serious attempts to poison him, which we describe in this report.

Increasingly repressive legislation has been enacted to restrict press freedom and civil society activities. A huge range of new laws have been introduced restricting freedom of expression and the right to privacy online. Violent assaults on journalists have increased, and five journalists and one blogger are currently in jail.

According to Human Rights Watch, “in recent years, the Russian authorities have engaged in a ferocious crackdown on freedom of association.” In 2012, the Russian legislature passed the ‘foreign agents law’ which is applied to civil society organisations that accept foreign funding and engage in very broadly defined ‘political activities’. As of the end of August 2018, 76 NGOs were on the government’s ‘foreign agent’ registry. While this is down from 150 in January 2017, this is

not the result of any relaxation on the part of the authorities but, the Commission understands, due to the decision of some groups to give up foreign funding or close. Since 2012, over 30 groups, including several human rights organisations, closed because they refused to accept the 'foreign agents' label. The registry includes groups working on human rights, media, capacity building, the environment, HIV/AIDS, migrants and refugees and providing free legal advice.

In 2014, the foreign agents law was amended to authorise the government to forcibly register groups as 'foreign agents', and a law introduced in 2017 requires some foreign media and other information platforms regarded as foreign to register as 'foreign agents' without judicial review. In 2015, a new law on 'undesirable organisations' was passed, designed to ban foreign and international donor organisations and intimidate Russian civil society groups. According to Human Rights Watch, fourteen organisations are now banned, mostly American but including the UK-registered Open Russia.

The Commission was told that there is no independent judiciary. Mikhail Khodorkovsky, who served ten years in prison in Russia for criticising corruption in the Putin regime, told the Commission, "judges are practically appointed to and removed from their posts by the personnel departments of the presidential administration, which is always supervised by a member of Putin's inner circle."

Freedom of religion or belief is also under pressure. In particular, Jehovah's Witnesses are facing a serious crackdown, but so too are small, mainly Protestant, churches. People suspected of supporting the radical Islamist group Hizb ut-Tahrir have also been jailed and while the Conservative Party Human Rights Commission would have grave concerns about the ideology espoused by Hizb ut-Tahrir, we would have serious questions about the justification for jailing people simply for their ideological beliefs, with no evidence of involvement in violence or terrorist activity. Furthermore, the Commission received evidence that the counter-terrorism legislation known as the 'Yarovaya laws' signed by President Putin in 2016 are so draconian that even pro-government legislators hesitated to approve them. These laws are used as a pretext for a severe onslaught on human rights, including freedom of thought, conscience, religion or belief, freedom of expression and the right to privacy.¹

With the exception of the Jehovah's Witnesses, who do not take a political position, every individual and organisation who gave evidence to the Conservative Party Human Rights Commission advocated carefully targeted measures to put pressure on Vladimir Putin and his small circle, and to increase support for Russia's courageous human rights defenders and civil society activists. Mikhail Khodorkovsky, once the wealthiest man in Russia who then became a prisoner of conscience, and subsequently founded Open Russia, said: "Who is it that's turning the country into a monster in the eyes of the international community and even in the eyes of its

¹ The Economist, "Why Russia's anti-terrorism laws are controversial," 20 July 2016: <https://www.economist.com/the-economist-explains/2016/07/20/why-russias-anti-terrorism-laws-are-controversial>

own citizens? Who is it that is killing their political opponents and committing acts of aggression abroad? Who is it that's been raiding the Federal Budget for the last twenty years? I can say with confidence that in this case we are talking about approximately 100 core beneficiaries of the regime and a few thousand of their accomplices. This is a real organised crime group that is even conscious of its own criminal nature, and of its genesis in the criminal underworld of St Petersburg. We also should not forget about the analogous criminal groups that fall under the Kremlin's criminal jurisdiction and have been localised throughout Russia's many regions ... The members of this criminal community occupy positions of importance in the state (for instance Putin himself) ... as well as occupying positions in state corporations For our part, we believe that the fight against this organised crime group should not be based on sweeping sanctions that harm ordinary people; sanctions that are easily circumvented by powerful criminals. Such a fight should be based on investigations into specific officials and their individual corruption, crimes and acts of war as well as establishing their connection with third-parties who act as custodians of criminally-acquired funds and carry out criminal assignments." Mr Khodorkovsky argued that: "In the current situation I do not see any benefit from the interaction of British organisations and politicians with representatives of the Kremlin organised crime group ... In contrast, the right thing to do would be to establish working relationships and contacts with independent Russian politicians, public figures and organisers, as well as focusing on regional activists and their organisational structures. These people especially need support. Not only financial, but psychological and moral support. We need to promote educational courses, conferences and meetings with reputable people. We need to help these people overcome the feeling of isolation and uselessness which the Kremlin is successfully instilling in them." He concluded: "There's no time to wait while a whole range of social issues in the United Kingdom are being stirred up with the aid of laundered money and corrupt representatives of the Kremlin political elite."

Russia is a prime example of where the interests of national security and human rights meet. The grave violations of human rights require our attention and action for moral reasons. But as events in recent years have shown, Vladimir Putin is not just a threat to the human rights and human dignity of the people of Russia, but to the freedom and security of the United Kingdom and the 'western' world. On the issue of Russia, our moral duty and our interests align very obviously. It is therefore time to increase our action to defend human rights in Russia.

Recommendations

The Conservative Party Human Rights Commission recommends to Her Majesty's Government the following steps:

1. Speak out clearly, consistently and strongly in support of human rights defenders and journalists in Russia;
2. Speak out specifically in the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE), following the principles of the OSCE Moscow Document,² to urge Russia to abide by its commitments to fundamental rights and freedoms, including the right to fair trial, freedom of assembly, freedom of expression and the right to free elections;
3. Strengthen support for civil society and human rights defenders, including increasing the capacity of the United Kingdom in Russia to better monitor and report on the human rights situation, enhance funding for capacity building initiatives, improve trial observation, promote human rights education;
4. Ensure that the Global Magnitsky legislation is fully implemented and that sanctions are introduced in a targeted way against Russian officials, and others worldwide, known to have ordered, committed or been complicit with acts of torture and other severe violations of human rights;
5. Urge the Russian government to end impunity and conduct prompt and effective investigations into all threats and incidents of violence against human rights defenders and journalists;
6. Call on Russia to open prisons and detention centres to the International Committee of the Red Cross (ICRC) and other international human rights monitors;
7. Call on the Russian authorities to conduct a transparent, impartial and thorough investigation into the assassination of Boris Nemtsov, identifying and bringing to justice the organisers, masterminds and perpetrators of this crime; and to co-operate with the Parliamentary Assembly of the Council of Europe and the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE) in their oversight of this case;
8. Expedite visa applications for Russian human rights defenders, journalists and civil society activists to visit the United Kingdom, to testify and consult with policy-makers about the human rights situation in Russia;
9. Consider providing temporary visas for sanctuary or full asylum for Russian human rights defenders and journalists who may have valid fears for their life or are threatened with imprisonment;
10. Urge Russia to abide by its obligations under regional and international human rights conventions, and repeal legislation that restricts freedom of assembly, freedom of

² <https://www.osce.org/odihr/elections/14310?download=true>

association, freedom of expression and particularly the “foreign agents” law, the “undesirable organisations law” and the anti-terrorism laws;

11. Raise press freedom as a priority at every opportunity in bilateral discussions in Russia, and in particular call for the immediate and unconditional release of journalists and bloggers jailed and for an end to the cycle of violence against journalists and impunity for their attackers;
12. Provide support for independent Russian-language media outlets, to ensure that the people of Russia receive impartial, independent daily news.

Acknowledgements

The Conservative Party Human Rights Commission would like to acknowledge the contributions to this inquiry of all those who gave evidence, in person or in writing, often at great risk to their own security. We would also like to express our appreciation to those who volunteered to interpret for some Russian speakers during our hearings. We also appreciate the support of the staff in the office of Fiona Bruce MP, Chair of the Conservative Party Human Rights Commission, and Benedict Rogers, Deputy Chair of the Conservative Party Human Rights Commission, who organised the inquiry and drafted this report.

Assassinations, harassment and detention of opponents, critics and journalists

On 27 February 2015, opposition leader Boris Nemtsov was gunned down near the Kremlin in the most brazen and high-profile assassination in modern Russia.

In 2009, human rights defender Natalia Estemirova was abducted and murdered, and in 2006 journalist Anna Politkovskaya was shot dead in her apartment block.

The murder of Alexander Litvinenko in the UK in 2006, and the attack on Sergei Skripal in Salisbury in 2018 illustrate the lengths to which Putin's regime is willing to go to silence its critics. In addition, it was also reported in 2018 that another Russian dissident, Nikolai Glushkov, was found strangled in his home in New Malden on the day that he was due in court to fight a \$99 million compensation claim against the Russian state-controlled airline, Aeroflot.³ Human Rights First claim that "American officials reportedly believe a total of 14 Russian citizens have been murdered in the United Kingdom on Putin's orders."⁴

Vladimir Kara-Murza, who gave evidence to our inquiry, survived two serious attempts to poison him. He told the Conservative Party Human Rights Commission that: "Both poisonings took place in Moscow, the first one in May 2015, the second one in February 2017. Both times I suffered a multiple organ failure and went into a coma; both times doctors told my wife that I had about a five per cent chance to survive, so it is only thanks to Almighty God and the brilliant doctors that I am able to write this." The official diagnosis given to Mr Kara-Murza was "toxic action by an undefined substance". He said that he has no doubt whatsoever that "both of these attempts were made in retribution for my political work in the Russian opposition and, more specifically, for my work in support of the Magnitsky legislation in several Western countries ... this is legislation that imposes targeted individual sanctions on Russian officials complicit in corruption and human rights violations. The sophistication of the method that was used leads me to the conclusion that this was done by people connected to the Russian domestic security services. This certainly looks like their 'handwriting'; they have a long record of targeting political opponents of the Kremlin regime with poisons, both in the Soviet and the post-Soviet era. The attitude from the Russian authorities is perhaps also telling: despite my requests, the Russian Investigative Committee has not opened even a formal investigation into either of the poisonings."

Reporters Without Borders presented the Commission with evidence that over the past five years, at least three journalists have been killed in Russia because of their work, and in total 34 journalists have been killed since 2000. In 2013 Akhmednabi Akhmednabiev, a deputy editor of

³ The Times, "Dissident killed on day of court hearing," 7 July 2018

⁴ Human Rights First, "Fact Sheet - Helsinki Summit: A Review of Vladimir Putin's Record of Human Rights Violations and Attacks on Democratic Institutions," 10 July 2018 - <https://www.humanrightsfirst.org/resource/helsinki-summit-review-vladimir-putin-s-record-human-rights-violations-and-attacks>

the weekly *Novoe Delo*, was killed; Timur Kuashev, the Nalchik correspondent for *Dosh* was murdered in 2014; and in 2017 the co-founder of the *Novy Peterburg* weekly, Nikolai Andrushchenko, was killed. “Violence against journalists remains largely unpunished,” said Reporters Without Borders in their submission. “Impunity has in turn fostered a growing climate of insecurity.” Russian journalist Yulia Latynina fled the country in September 2017 after a series of attacks in which her car was set on fire, an unidentified substance was sprayed around her home, and faeces were thrown at her.

Even if the Putin regime does not kill or intimidate every political opponent, dissident, human rights defender or journalist, the climate of fear and impunity means that genuinely democratic elections are impossible and space for freedom of expression is severely restricted. As Vladimir Kara-Murza told the Commission in regard to the 2018 Presidential elections: “On paper, we had political competition, multiple candidates, campaigning, and the casting of ballots – everything you would expect from a normal contest. But the reality of Russia’s 2018 vote had no more in common with a democratic election than the painted facades of ‘Potemkin Villages’ had with real towns. All major media were under government control; voters were often subjected to pressure and coercion; ballot-stuffing was witnessed across the country; and several regions have reported Soviet-style ‘results’ of 90 percent or more in favour of Vladimir Putin. But the truth is that these violations were largely irrelevant. In the most important sense, this election was rigged long before the first polling station has opened. Two prominent opposition leaders were planning to challenge Mr Putin in 2018: Boris Nemtsov, former deputy prime minister; and Alexei Navalny, founder of the Anti-Corruption Foundation. Neither was on the ballot on 18 March: Nemtsov, because three years ago he was killed on a bridge steps away from the Kremlin; Navalny, because he was deliberately barred from standing by a Russian court sentence that the European Court of Human Rights has found ‘arbitrary’. It is not difficult to win an election when your opponents are not on the ballot.”

Freedom of Expression

Vladimir Ashurkov, Executive Director of the Anti-Corruption Foundation, told the Conservative Party Human Rights Commission that “during Vladimir Putin’s third presidential term, a number of laws were adopted in Russia, drastically curtailing the freedom of expression in real life and online”.

In a joint submission to our Commission by Article 19, the Mass Media Defence Centre and the SOVA Centre, they agree, arguing that: “The situation for freedom of expression and related rights in Russia has seriously deteriorated in recent years, with a notable acceleration after the annexation of Crimea in 2014. The Russian government has enacted numerous highly restrictive laws and policies that are used to target political opposition and civil society and have a broader chilling effect on freedom of expression within the country.”

Since 2013 new provisions in the Criminal Code have been introduced, in violation with Article 19 (3) of the International Covenant on Civil and Political Rights (ICCPR). These include prosecution for “insulting religious feelings”, calling for separatism and libel against Soviet policy during the Second World War. Provisions already in the Criminal Code provide for prosecution for “incitement to hatred”, “incitement to extremist actions” and minor criticisms of the government’s actions.

The Commission understands that since 2012, Russian authorities have significantly expanded their powers to block websites without judicial oversight, increasing the number of agencies authorised to block content, and the permitted grounds for blocking. A ‘blacklist’ of online content is administered by the government regulatory agency Roskomnadzor, according to Article 19, the Mass Media Defence Centre and the SOVA Centre, and all Internet service providers (ISPs) based in Russia are required to immediately block content added to the blacklist.

The Russian authorities have increased their online surveillance powers, including introducing the Federal Law 242-FZ on ‘Data Localisation’ in 2015, requiring the personal data of Russian citizens to be stored on servers located within Russia, enabling its security services access to sensitive data including activists, opposition politicians and journalists. In June 2017 the security services requested the messaging service ‘Telegram’ to provide decryption keys to decode messages, and when Telegram refused to comply, the company was fined 800,000 rubles (\$14,000). In March 2018 the Supreme Court rejected Telegram’s appeal and the service faces the possibility of being completely blocked.

In July 2016, the Russian government introduced the so-called ‘Yarovaya Package’, a set of amendments to 21 existing laws, tightening pre-existing regulations and introducing new, vague restrictions on expression justified under ‘countering extremism’.

Freedom of the press

“All major media,” according to the evidence provided by Vladimir Kara-Murza to the Commission, are “under government control”. Reporters Without Borders confirms this, saying in their submission that: “The Kremlin controls the media outlets in Russia and there has been an unrelenting effort to expand and consolidate state control over the media sector.”

Vladimir Kara-Murza noted that when Vladimir Putin came to power in 1999, most nationwide television networks in Russia were privately owned and independent from the state. “It was Mr Putin’s government that, during its early years in office, either took over or shut down all privately owned nationwide television networks in the country”.

Rights in Russia told the Commission that “the official television channels – the main source of information for the majority of people, who do not use Internet for learning about politics – hardly ever show anybody who does not share the official point of view. People with dissenting views are simply blacklisted and never ever appear on the screen.” Reporters Without Borders state in their evidence to the Commission that: “National TV channels remain a constant source of propaganda, the peak of which was reached at the beginning of the conflict in Ukraine. This propaganda fosters a climate of hatred and paranoia towards independent journalists, further impeding journalists ability to report independently. A culture of self-censorship is pervasive.”

Five journalists and one blogger are currently in detention in Russia: Alexander Sokolov, an investigative journalist, has been jailed for three and a half years after reporting misappropriations on a major website; Igor Rudnikov, editor-in-chief of the main independent newspaper of the Kaliningrad region, is in pre-trial detention after exposing corruption; Alexander Tolmachev, editor-in-chief of the magazine *Upolnomochen* and of the *Pro Rostov* newspaper, is imprisoned on charges of extortion; Alexander Valov, editor of BlogSochi, is in pre-trial detention on allegations of extortion; Zhalaudi Gueriev, a young Chechen journalist, has been jailed for three years on charges of drug possession that, according to Reporters Without Borders, was clearly a politically-motivated attack on his reporting of the situation in Chechnya; and Aleksei Nazimov, founder and editor of *Your Paper*, a weekly published in Alushta, Crimea, is accused of blackmailing a local politician and has been detained. Alexei Kungurov served a 30-month jail sentence for criticising Russia’s military intervention in Syria, and was released in June 2018.

Violence against journalists continues with impunity, as detailed in the previous chapter. The murders of at least four journalists over the past five years in Russia – Akhmednabi Akhmednabiev, deputy of the weekly *Novoe Delo*, in 2013; Yimor Kuashev, former Nalchik correspondent for *Dosh* in 2014; Dmitry Popkov, editor-in-chief of Ton-M in Minusinsk, in May 2017; and Nikolai Andrushchenko, co-founder of *Novy Peterburg* weekly in 2017 – is concerning. The fact that 34 journalists have been killed since 2000 is even more alarming. As Reporters Without Borders say, “the person or persons who ordered the murder of well-known journalist Anna Politkovskaya in 2006 have never been arrested.”

There is what Reporters Without Borders describe as “an ever-increasing suffocation of independent media outlets in Russia”. In 2014 a new law was introduced significantly limiting foreign investment in Russian media, which has further weakened independent media and facilitated the takeover of independent media outlets. “The legislation controlling access to the internet and news sites has become more drastic every year, and internet users face prison sentences for comments on social networks, or even a simple ‘like’,” claim Reporters Without Borders.

The submission from Article 19, the Mass Media Defence Centre and the SOVA Centre confirms this. “Media freedom remains a key issue in Russia,” the joint submission to the Conservative Party Human Rights Commission states, “with the majority of Russian media outlets under direct or indirect state control.”

Freedom of assembly and association

“Nobody will doubt that freedom of assembly is a crucial pillar of any democracy,” Oleg Kozlovsky reminded the Commission. “It is, however, even more important in authoritarian countries such as Russia. When you don’t have access to an independent court, when elections and their outcomes are completely controlled by the regime, when media face increasing restrictions, public protests often remain the only option to make one’s voice heard. If anything, it must be clear for the Kremlin judging by its long-time policy of curbing freedom of assembly.” In the past six years, according to Mr Kozlovsky, “we effectively live in a state of a permanent crackdown on freedom of assembly”. He adds: “Not only are new laws against it added nearly every month, but implementation and interpretation of existing laws gets worse day by day.”

According to the Russian Constitution and the federal law on public assemblies, permission is not required for a protest – notification is enough. The Commission was told, however, that in practice it is very different. “Unless they respond in writing that they approve of the event,” Mr Kozlovsky told the Commission, “the police will try to arrest the organiser(s) and disperse the crowd.”

Under the ‘Law on Meetings, Rallies, Demonstrations, Marches and Picketing’, the constitutionally guaranteed right for peaceful assembly is restricted, through the requirement for submission of preliminary notification of intent to organise a demonstration or other related activity, which has to be submitted no later than 15 and no later than 10 days prior to the event. As Vladimir Ashurkov, Executive Director of the Anti-Corruption Foundation, sets out in his submission, “the records show that in [the] majority of cases the local [government] bodies refuse to approve a rally if it’s initiated by the opposition.”

In March 2017, rallies which brought between 32,359 and 92,861 people onto the streets in Russia, and led to the arrests of some 1,666 people, the police, according to Vladimir Ashurkov, “used brutal force”. Many participants of the rallies on 26 March were arrested and detained for several days and, Mr Ashurkov told the Commission, “court hearings fell short of standards of fair and unbiased justice” According to his submission to our inquiry, as of April 2018, seven protestors were given prison sentences ranging from eighteen months to three years and eight months.

According to Human Rights Watch, freedom of association is also brutally repressed, stating in their submission to the Commission that in recent years Russia has “engaged in a furious crackdown on freedom of association”. This will be examined further in the section on civil society space.

Freedom of religion or belief

Religious minority groups continue to face harassment in Russia, according to Amnesty International, with the authorities banning organisations, blocking religious websites and prohibiting publications on the Federal List of Extremist Materials. Religious groups other than the Russian Orthodox Church face increasing restrictions. According to Vladimir Ashurkov, the Russian government has adopted a very clear policy favouring the Russian Orthodox Church, and in turn the Russian Orthodox Church has expressed support for the government. The Russian Patriarch has spoken regularly in support of Vladimir Putin's actions and against "Western values".

The Commission received a detailed submission from the European Association of Jehovah's Witnesses regarding the treatment of Jehovah's Witnesses in Russia recently, as detailed below, and the Commission also received reports from Human Rights Without Frontiers. On 20 April 2017, the Supreme Court banned the Jehovah's Witnesses' central organisation and all its affiliates in Russia, ruling that Jehovah's Witnesses, who have 395 local organisations and over 170,000 followers, constitute an "extremist" organisation. Jehovah's Witnesses who continue to practice their faith risk being prosecuted and jailed for up to ten years, under Article 282 of the Criminal Code. A report submitted to the Conservative Party Human Rights Commission by the European Association of Jehovah's Witnesses, produced by the Office of General Counsel at the World Headquarters of Jehovah's Witnesses and titled *Russia's Attack on Jehovah's Witnesses: Persecution of the Religious Community of 175,000 in Russia*, details Russia's violations of freedom of religion or belief against their community, accusing Russia of "extreme religious intolerance".

On 25 May 2017 a Danish citizen, Dennis Christensen, was arrested at a Jehovah's Witness religious service, and jailed in pre-trial detention in Oryol. On 31 January 2018, the Deputy Prosecutor of the Oryol Region filed a 76-page indictment against Mr Christensen.

On 16 and 17 May 2018 homes of people suspected of being Jehovah's Witnesses were raided and searched in Orenburg, Buzuluk and Birobidzhan, and photographs, bank cards, money and all electronic equipment were seized, according to the European Association of Jehovah's Witnesses. Human Rights Without Frontiers reported that "one of the operatives participating in the searches said that a total of 150 law enforcement officers are participating in this operation, which has the code name 'Judgment Day'".

In July 2018, heavily armed police raided the homes of Jehovah's Witnesses in several cities throughout the country. After detaining numerous Jehovah's Witnesses for interrogation, the police arrested six individuals who are currently in pretrial detention. After a home raid on 22 July 2018, police and Federal Security Services (FSB) officers in the city of Berezovskiy arrested Vadim Levchuk and Sergey Britvin, who is disabled. Two days later the court ordered to keep both men in pretrial detention until 19 September.

On 3 July FSB officers arrested Andrey Stupnikov while he was checking in for a flight at an airport in Krasnoyarsk. The following day, the Zheleznodorozhniy District Court in Krasnoyarsk ruled to keep Mr Stupnikov in pretrial detention for two months, until 2 September. He has been criminally charged under Article 282.2(1) of the Criminal Code for “organizing the activity of an extremist organization”.

On 4 July masked and heavily armed police in Omsk broke down the door and burst into the home of Sergey and Anastasia Polyakov. According to the Jehovah’s Witnesses, “they hit Mr Polyakov in the face several times and threw him to the floor. While he was down, one of the officers kned him in the head even though Mr Polyakov never resisted”. After hours of searching the Polyakov’s home and car, the officers arrested them, placed both in detention, and charged them under Article 282.2(2) of the Criminal Code for “participating in extremist activity”. At an appeal hearing on 16 July, the court ruled to reduce the time of pre-trial detention by two weeks, until 20 August.

On 15 July, police in Penza searched the homes of several Jehovah’s Witnesses, confiscating all electronic devices and photographs. The police detained about 20 adults at the police station and subjected the women to strip searches.

On 17 July a local court ruled to keep Vladimir Alushkin in pre-trial detention until September 14, 2018.

As of August 2018, at least 29 Jehovah’s Witnesses are in pre-trial detention, according to Human Rights Without Frontiers. An open letter written by ten of the wives of 16 jailed Jehovah’s Witnesses to the Russian Federation Presidential Council for Civil Society and Human Rights was published on 7 June 2018, in which the women expressed “a cry of desperation” that “our husbands, those who feed us, the fathers of our children, honest people who are always ready to help others, are being thrown behind bars for being suspected of reading Bible commandments and praying together with us and our children”. They argue that “under the guise of fighting extremism, many of us, and even our children, have been threatened with weapons by agents of the special forces and ordered to lie face down. Our homes have been raided and searched, our telephones and computers have been seized, so we can’t work or live a normal life ... They are trying to force us to live in fear and shake every time there’s a knock at the door or the sound of a siren on the street, as we await arrest merely for our faith”. They conclude that “fundamental rights are being trampled on: the right to freedom of worship and personal inviolability, the right to personal dignity, the right to privacy, the right to the inviolability of the home, to freedom of conscience, freedom of thought, freedom of worship, the right to private property. If the Russian government does not quickly put an end to this growing campaign of terror, the administration will be faced with a nation-wide human rights catastrophe.”

According to several submissions received by the Commission, particularly evidence provided by the Sova Centre for Information and Analysis, in 2016 restrictions on missionary activities were introduced as part of the ‘Yarovaya’ counter-terrorism amendments, and have been

indiscriminately applied to a variety of groups, including many Protestant denominations, Hare Krishna adherents and others. Examples include the attempted prosecution of a yoga instructor in St Petersburg in 2017 for giving a public lecture, and the confiscation of copies of the Salvation Army's Bible in Vladivostock as they did not feature the prescribed official approval mark for distribution.

According to reports received by the Commission from Human Rights Without Frontiers, on 16 May 2018, Nosisa Shiba, a student from Swaziland at the Nizhny Novgorod Medical Academy was charged under article 18.8 of section four of the Code of Administrative Violations of Law of the Russian Federation, and sentenced to immediate deportation. This was then revised to a fine of 7,000 rubles and deportation upon completion of her studies. Nosisa had been attending an evangelical church in Nizhny Novgorod, and on one occasion she sang a song about God and his love for people in the church. A video of this was found by Russia's intelligence services on Youtube, and she was accused of unauthorised missionary activity.

Daniel Lipin, a human rights lawyer, detailed in his evidence to the Commission other violations of freedom of religion or belief, including the banning of the Chinese Buddha-school spiritual movement, Falun Gong.

The case of Protestant evangelical missionary Donald Ossewaarde, and his wife Ruth, illustrates the increasing repression of freedom of religion or belief. Mr Ossewaarde and his wife had lived in the city of Oryol, 300 kilometres south of Moscow, since 2005, and for ten years they had, as Baptist missionaries, hosted regular gatherings for prayer, worship and Bible study in their home. According to a testimony provided by ADF International, on 14 August 2016 during a regular Sunday gathering, three policemen arrived at the home of Mr and Mrs Ossewaarde unannounced. They entered "without knocking or ringing the doorbell", interrupting the gathering and insisting on questioning Mr Ossewaarde. The police were asked to remain until the gathering was over, which they did, but after the meeting they proceeded to question Donald and Ruth Ossewaarde for 45 minutes. They were then taken to the police station for fingerprinting, although they were assured no complaints or charges were being made. After fingerprinting at the police station, Mr and Mrs Ossewaarde were informed that a complaint had been made, and Mr Ossewaarde was then charged with two administrative offences against Federal Law No 125-FZ, on the freedom of conscience and religious associations. They were charged with disseminating information about religion among people who were not from the same religion, and conducting missionary activity without notification. A court case then ensued, and Mr Ossewaarde was convicted of breaching the Federal Law, and fined 40,000 roubles (£460). He was encouraged to leave the country, but decided instead for his wife to return to the United States and for him to remain in Russia to appeal. According to the submission to this Commission, he appealed on 23 August 2017 to the Oryol Regional Court and his appeal failed. On 7 October 2016, he appealed for review to the Oryol Regional Court, and again to the Supreme Court on 25 November 2016, but was again unsuccessful. On 29 December 2016 Mr Ossewaarde appealed to the Constitutional Court of Russia, claiming that his right to freedom of religion or

belief had been violated. This final appeal was dismissed on 27 February 2017 and he was left with no choice but to leave Russia and return to the United States. In March 2017, an application to the European Court of Human Rights was filed, arguing that Russia had violated article 9 (freedom of thought, conscience and religion) and article 11 (the right to freedom of assembly) of the European Convention of Human Rights.⁵

The Memorial Human Rights Centre publishes a regular list of political prisoners and prisoners jailed for their religious beliefs. We have published the most up-to-date list in full in the Appendix to this report. The majority of these are Muslims, accused of supporting the radical Islamist organisation Hizb ut-Tahrir. Muslim followers of Tablighi Jamaat and Turkish theologian Bediüzzaman Said Nursî have also been jailed. While this Commission would have very grave concerns about the ideology of Hizb ut-Tahrir, it is also important to recognise that Hizb ut-Tahrir, while espousing radical Islamism, does not engage in acts of violence or terrorism and to imprison people solely on the grounds of suspected support for Hizb ut-Tahrir is an injustice.

⁵ For further information see: <http://www.donossewaarde.com/>

Civil society space

Vladimir Putin's regime has increasingly restricted space for civil society in Russia in recent years. In Oleg Kozlovsky's view, the regime's approach to civil society is to "divide and rule", endorsing groups regarded as sympathetic to the government and harassing or forcing the closure of groups that are critical. "They try to separate what they consider 'useful' organisations from those they think 'harmful'," Mr Kozlovsky told the Commission. "The former are ones that basically take responsibility for some of government's social functions: [such as those that] collect money to provide medical assistance that the government can't (or doesn't want to) pay for; [or those that] help victims of natural disasters. Some of these 'good' groups are genuine while many others are 'GONGOS' (Government-organised Non-Governmental Organisations). They are tolerated and even sometimes supported as long as they don't criticise authorities or cooperate with the opposition. The 'bad' groups are all the others, especially human rights organisations, election monitors and any communities that demand something from local or federal government."

In 2012 the Russian Duma (Parliament) passed a law on so-called "foreign agents". The law requires all NGOs receiving foreign funding to register with the government and undergo extensive audits. According to Human Rights First, "the law has resulted in the stigmatisation and/or closure of dozens of Russian NGOs working on human rights, health and the environment." In 2015 the Duma further curtailed the activities of civil society by introducing a law on so-called "undesirable organisations", enabling the Russian government to prosecute Russian NGOs that accept funds from international grant-makers. The legislation was expanded in July 2018 to apply to the media, and in particular to individual bloggers and journalists.

According to the submission to our Commission by Article 19, the Mass Media Defence Centre and the SOVA Centre, as of August 2018, at least 76 organisations have been formally listed as "foreign agents", approximately 30 organisations have closed, and many have faced heavy fines and costly litigation. Human Rights Watch confirms this. In May 2017 the human rights NGO Agora and the election watchdog GOLOS were closed for violating the legislation. In June 2016, criminal charges were brought against Valentina Cherevatenko, head of 'Women of the Don', a human rights and peace-building organisation, for violating the legislation, although the case was subsequently dropped a year later.

Article 19, the Mass Media Defence Centre and the SOVA Centre told the Commission in their submission that the law which introduced the concept of 'undesirable organisations', Federal Law No. 129-FZ, introduces administrative and criminal penalties of up to six years imprisonment for Russian citizens connected in any way with such organisations. A fine can be imposed on an individual or organisation simply for having a hyper-link to online materials of these organisations. "The legislation severely restricts Russian citizens and entities' ability to associate with foreign partners, and threatens their financial sustainability; its vague terminology allows its arbitrary application, providing another tool by which to harass civil society," these groups told the Commission. According to Article 19, the Mass Media Defence Centre and the SOVA Centre in their submission, at least 14 entities are currently listed as "undesirable organisations",

primarily US-based grant-making organisations and some European NGOs. These include the National Endowment for Democracy (NED), the National Democratic Institute (NDI), the International Republican Institute (IRI) and the Open Society Foundation.

Among those on the list of 'undesirable organisations' is the European Platform for Democratic Elections (EPDE), which has been the target of, in their words, "orchestrated smear and defamation campaigns by the Russian media". The decision to list EPDE as an 'undesirable organisation' in Russia limits, according to EPDE's submission to the inquiry, "the rights of Russian citizen election observers and isolates them from international election observation and contacts with experts from other countries". EPDE's website is now blocked in Russia.

According to Oleg Kozlovsky, civil society groups "face persecution on many fronts: frequent checks by various governmental agencies (from the prosecutor's office to the fire safety inspectorate), attempts to threaten or recruit as informants their staff and volunteers, pressure on their partners (eg owners of venues for public events in order to cancel these events), and smear campaigns in the media". In "more extreme cases", he adds, "activists can face criminal prosecution or be attacked by government-hired thugs". Therefore, he concludes, "while it is possible for some NGOs to operate without government pressure, they inevitably have to engage in self-censorship and sometimes to return the regime favours. Leaders of some of the biggest charities are often compelled to endorse Putin or his allies during election campaigns".

Mikhail Khodorkovsky and Vladimir Kara-Murza described to the Commission the impact of these laws on their organisation, Open Russia. "Our socio-political movement Open Russia is one of the few Russian opposition structures that is not under the control of the Kremlin," Mr Khodorkovsky said. "We are represented in scores of Russian regions and we are involved in political education, defence of human rights and support for young opposition politicians. Our goal is to transition the country towards a parliamentary democracy." Two years ago, Mr Khodorkovsky founded an international organisation based in London with the same name, Open Russia, but he insists that it is "a totally separate organisation and is unconnected to the Open Russia movement," instead focusing on working with the Russian diaspora in London. "Contrary to the fact that the Russian law on 'undesirable' organisations applies only to foreign entities, the Russian movement Open Russia was completely unlawfully declared 'undesirable' by the Russian authorities. As a result, people can now be threatened with up to six years in prison for being associated with the movement. Dozens of our activists have been through court cases, raids, arrests, and various administrative punishments for their association with Open Russia. Websites connected with Open Russia have been repeatedly blocked in Russia upon the unlawful order of the Attorney General's office, as well as the landlord of the site's editorial offices subjected to forceful pressure to evict our team. Nevertheless, more than a thousand of our activists and a far wider range of supporters continue to engage in social and political activity."

According to Vladimir Kara-Murza, at least 25 Open Russia activists in 14 regions of Russia have been charged under the 'undesirable organisations' law. In June 2018, police stormed Open Russia's regional conference in Vladivostok, according to an Open Russia report, and "violently

arrested a number of Open Russia members and local activists including Open Russia Movement Chairman Andrey Pivovarov and press secretary Natalia Griaznevich, as well as three other local activists". Two of those detained received 15 days in jail for, in the words of Open Russia, "no more than attending the gathering of free individuals". Open Russia Movement Chairman Andrey Pivovarov and the other detainees have filed an appeal to the European Court of Human Rights, claiming that there was no legal basis for their detention or for the use of force, they were denied food and water and a place to sleep until the very end of the court proceedings, and were refused access to lawyers.

According to Amnesty International, "another worrying trend observed in the past years has been trumped-up charges against human rights defenders and civil society activists". The case of Oyub Titiev, head of the Memorial Human Rights Centre's office in Grozny, was highlighted in several submissions as an example of this. In January 2018 he was arrested on what Amnesty International describes in their submission to the Commission as "trumped up drug charges" in an attempt which Amnesty International believes was "clearly intended to silence him and disrupt the activities of Memorial. The violations of the right to a fair trial reported by independent trial monitors at criminal and administrative hearings leave little hope that these and other cases will receive a fair hearing in court."

Judiciary

“One of the key problems in Russia today, which shapes the lives of Russian citizens regardless of their wealth or social status, is the absence of an independent judiciary,” journalist Zoya Svetova told the Commission. “Over the 18 years of the Putin regime, thousands of people have become victims of the Russian court. Their cases, in the opinions of independent journalists and human rights activists, showed signs of being so-called ‘frame-up’ cases.”

Oleg Kozlovsky agrees. “In Russia, the President takes part in the appointment of all federal judges and chairs of courts,” he told the Commission. “The Federation Council (ie Senate) and the Supreme Court also participate in some of these appointments, but their actual role is more technical and they are already controlled by the Presidential Administration. Most appointed judges have a background in law enforcement (police, the Investigative Committee or prosecutor’s office) or in the administration of courts (as assistants or secretaries). Very few attorneys or commercial lawyers ever become judges.”

As a result, Mr Kozlovsky said, “there is an obvious bias in favour of prosecution in criminal cases ... Judges seem to consider themselves not an independent arbiter but a mere element of the prosecution system”. Courts, he claims, only acquit 0.36% of defendants, “a figure that has kept falling throughout Putin’s rule”. In contrast, between 1.6 to 3% of corruption cases result in acquittal, something Mr Kozlovsky argues is “an apparent sign of a different approach judges take toward fellow government officials”. Furthermore, “there is an unofficial limit of one acquittal per court per year, and many courts don’t even hit this bar. A great many judges have never acquitted a single person in their entire careers.” Judges, he adds, “don’t even write sentences themselves but simply copy and paste closing indictments prepared by the prosecutor”. The Constitutional Court is also, Mr Kozlovsky argues, “subservient to the Kremlin”.

Lawyer Daniel Lipin told the Commission that “courts make decisions without consideration of the case”. People are convicted, he argues, “only on the basis of a police report”. He reinforced Mr Kozlovsky’s claims about judges, saying: “Judges are convinced that they are part of the law enforcement system and part of the executive branch. Unfortunately the level of legal education of judges is very low. Good lawyers do not go to work as judges. They will not be accepted by the system.”

Amnesty International agrees. “Independent trial monitors report systematic violations of the right to a fair trial at criminal and administrative hearings, including in the cases brought against peaceful protesters. Most administrative trials rely heavily on widely disputed police reports as sole evidence. The trials have resulted in lengthy detentions and hefty fines. Trials have often been swift; after the 26 March 2017 protest, Tverskoi District Court in Moscow considered 476 cases in 17 days.”

On 22 August 2017, Aleksandr Eivazov, former Secretary of the October District Court in St Petersburg and a 'whistle-blower', was arrested, according to Amnesty International, for allegedly "interfering in the work of the court", because he had refused to sign and backdate court records that someone else had compiled. "He was witness to numerous violations of court procedures, judicial ethics and workers' rights in the court, and had sent complaints about all the violations to the authorities and shared this information on social media. Aleksandr Eivazov's complaints are not known to have been addressed." He is reportedly still in detention, despite suffering asthma.

Vladimir Ashurkov, Executive Director of the Anti-Corruption Foundation, argues in his submission that "it is generally agreed that the Russian judicial system is dependent on the executive branch". The prosecution of opposition leader Alexey Navalny is an illustration of this. He was twice given a suspended sentence, and twice the European Court of Human Rights declared that the Russian verdicts were inconsistent with the European Convention for the Protection of Human Rights and Fundamental Freedoms. "Public opinion is indisposed to trust the court hearings, believing that the formal process hides some other motives of persecution, unknown to the public," Mr Ashurkov concluded.

The words of Rights in Russia, in their submission to the Commission, sum up the situation for the judiciary in the following precise terms: "Russia has failed to achieve an independent justice system, free from political influence. Indeed, the dependence of the Russian judicial system on the top echelons of power is notorious. The use of trumped up charges is widespread. The names of Mikhail Khodorkovsky and Sergei Magnitsky are widely known in the West. However, a significant number of less well-known individuals are also the victims of politically motivated legal processes, including figures such as the opposition politician Aleksei Navalny, the historian Yury Dmitriev, the human rights defender Oyub Titiev and the Ukrainian resident of Crimea, Oleg Sentsov."

Torture and ill-treatment

According to Nikolai Shchur, a Russian activist who has conducted extensive research into penal facilities in Russia, “alongside China and the United States, Russia imprisons more people, per thousand population, than anywhere else in the world”. According to Rights in Russia, official statistics from the Federal Penal Service (FPS) in Russia indicate that as of 21 August 2018, over half a million people are in detention, before trial or after trial, only half of whom are serving sentences for crimes that carry a penalty of imprisonment.⁶ A further 503,865 were serving suspended or non-custodial sentences, or were subject to non-custodial measures of restraint pending trial. Only 1,325 are held in Russia’s eight prisons, but the majority of prisoners – 481,300 – are held in Russia’s 708 penal or “corrective-labour colonies”, a legacy of the forced labour camps of the Stalin-era Gulag. Many others are held in a prison regime, in detention centres, for pre-trial investigation, where they are confined to cells all day except for an hour’s exercise, before they have been convicted of a crime. They number 103,104 people, in 309 detention centres.⁷

Reports of torture and other ill-treatment in Russia’s prisons and detention centres persist, according to Amnesty International. “The conditions during prisoner transports amount to torture and other ill-treatment, and in many instances, to enforced disappearance,” Amnesty International told the Commission. “Some prisoners face journeys lasting a month or more, while being transferred in overcrowded train carriages and vans, and spending weeks in transit cells at various stages on their way to remote prison colonies. Their families and lawyers have had no information about their fate and whereabouts.” Prisoner of conscience Ildar Dadin, for example, was forcibly disappeared for a month until his whereabouts became known in January 2017, according to Amnesty International. He had made allegations of torture in Segezha prison colony in October 2016 and as a result he was transferred to another prison colony. He claimed that between 10 and 12 prison officers beat him, suspended him from the ceiling with handcuffs, and threatened him with rape and murder.

The Commission met with Nikolai Shchur and his wife Tatyana, to discuss the conditions in Russia’s penal system, and they provided the Commission with a copy of their 2013 report, *Monitoring of torture in criminal-executive system of the Chelyabinsky region*.⁸ The report details several forms of torture and ill-treatment, including slave labour, humiliation and physical torture. These include forced labour in hazardous conditions, with no protection; torturous living conditions including over-crowding and cells with rubber walls and no windows; forcible anal examinations; denial of soap and shampoo; and more brutal violence. “A widely used practice of ‘training’ defiant inmates was to tape them up with scotch to iron frames in a hanging and

⁶ See: <http://fsin.su/opendata/7706562710-statistics/>

⁷ “Russia’s Penal Empire”, translated by John Crowfoot, available from Rights in Russia

⁸ See <http://uraldem.ru/>

stretched out position for 24 hours or longer,” Nikolai Shchur and his team reported. “On 2 June 2010, inmate Fyodor Rodenko, was tied up with cords to the bar-frame of a Shizo cell parallel to the floor, beaten up and left hanging like that for 24 hours. After he was taken off and carried to his cell, he died,” the report details. Similarly, on 12 July 2012, another prisoner, E. Teryokhin, was tortured in a similar way. “His arms, legs and head were taped up with scotch to an iron frame. They put wooden sticks underneath the scotch so that it would ache more. After that [an officer] started to hit Teryokhin’s inguinal region with his legs. The inmate passed out. Other inmates heard his screams, but ... employees turned on loud music.”

Electric torture and water torture are also used, and beatings are common. “Beating up inmates is the most massive type of torture,” Nikolai Shchur claims. “Inmates are beaten up both by employees ... and by other inmates”. Beatings are carried out with wooden hammers, rubber sticks and fists and legs. The case of Daniil Abakumov is one example. “Daniil Abakumov became a witness of [the] beating of another inmate, Korovkin. When he found out that Korovkin died after that beating, he made a statement which had been recorded on video ... After the recording was published, Abakumov was beaten and raped.”

In July 2018, a video recorded by an FPS employee showing the torture of prisoner Evgeny Makarov at Yaroslavl prison on 29 June 2017 was published by the newspaper *Novaya Gazeta*. The ten-minute video shows a room full of people, with the prisoner lying face down on a table. According to a news article, “several men are sitting on him, holding his handcuffed hands violently behind his back. The guards take turns beating the soles of his feet with clubs and their fists, periodically pouring buckets of water over him. In the middle of the video they remove his pants and underwear. Makarov howls and asks them to stop.” The full news report and video is available online.⁹

Nikolai Shchur and his wife explained to the Commission that the primary reason for torture in the Russian penal system is corruption and extortion, stating that prison guards beat and torture prisoners in order to put pressure on them to hand over money and property. “An inmate faces torture right after he arrives to a facility,” they write in their report. “The goal is to break one’s will, make him obedient, show him who is the master No one is ever punished for beating the newcomers. On the contrary, it is one of the obligatory methods in keeping inmates. The guards are so used to it and to not being punished, so they started to get satisfaction from this activity, they invent new ways to make it ‘more’ interesting ... The beatings are massive, the personnel gets wild from impunity.”

Vladimir Ashurkov, Executive Director of the Anti-Corruption Foundation, confirms this. “Russia has one of Europe’s most violence-prone law enforcement agencies,” he says in his submission.

⁹ Novaya Gazeta, “Video leaks showing Russian prison guards torturing an inmate in Yaroslavl,” 20 July 2018: <https://meduza.io/en/feature/2018/07/20/video-leaks-showing-russian-prison-guards-torturing-an-inmate-in-yaroslavl>

Gerald Staberock, Secretary-General of the World Organisation Against Torture, agrees, saying that torture in Russia happens “quite often”.

According to Zoya Svetova, Russia’s prisons are “hell on earth”. She told the Commission that there have been reports of overcrowding by 40-60% in remand prisons in Russia’s major cities. “I saw this with my own eyes in Moscow prisons,” she told the Commission. “Due to overpopulation, each prisoner there has 2.6 square metres. Cells designed for ten people routinely hold as many as 18. In many cells, prisoners take it in turns to sleep, or they sleep on the floor. Their rights are violated: doctors are unable to administer medical care and lawyers must stand in queues throughout the night in order to see their clients. If they wish to improve their situation, prisoners can get more comfortable cells if they agree to pay prison employees.”

One of the most high profile cases of torture in Russian prisons is that of Sergei Magnitsky, a lawyer representing the American businessman Bill Browder. Mr Browder gave the following evidence to the Commission. He described how Mr Magnitsky was held in a cell with no heat, no windows, no toilet, and was forced to move cells during the night. He was beaten regularly in order to force him to sign a false confession claiming he had stolen money. “For him, the idea of perjuring himself was more painful than the physical torture,” Mr Browder told the Commission. After six months in Moscow’s Butyrka prison, Mr Magnitsky had lost 20 kilos in weight and was diagnosed with gall stones, pancreatitis and a blocked gall bladder. Initially denied medical care, he was then given approval for an operation, but the prison had no medical wing. On 16 November 2009, in a critical condition, he was taken to a different prison which had a medical wing, and was chained to a bed. Eight riot guards beat him to death. According to Mr Browder, Vladimir Putin directly intervened to exonerate every person connected with Mr Magnitsky’s death, and some were given special promotions and state honours. Three years later, Mr Browder, who had already been expelled from Russia, was sentenced to nine years in jail in absentia. Although he is based in London, he told the Commission that his freedom of movement is curtailed because he can only travel to countries with the rule of law that won’t hand him over to the Russian authorities. Russia has tried several times to issue an Interpol arrest warrant for him and on 30 May 2018 he was briefly detained in Spain as a result, although released soon after following the intervention of the Secretary-General of Interpol. He receives regular death threats and kidnapping threats. The case is told in more detail in Mr Browder’s book, *Red Notice: How I Became Putin’s No. 1 Enemy*.

The case of Ukrainian film maker Oleg Sentsov is another high-profile example. According to Zoya Svetova, Mr Sentsov was arrested at his home in May 2014, after being tortured and searched. “A plastic bag was put over Sentsov’s head to suffocate him until he lost consciousness, and he was threatened with rape and murder while being forced to confess to organising explosions, setting fire to offices and possessing weapons and explosives,” she told the Commission. He was sentenced to twenty years in prison, accused of terrorism – but in reality it was because he opposed the annexation of Crimea. He is jailed in the Yamalo-Nenets Autonomous District in the far north of Russia, more than 3,000 miles from his native Crimea, and although he is Ukrainian,

Russia claims that since Crimea is now a part of Russia, he is a Russian citizen. On 14 May 2018, according to Vladimir Kara-Murza writing in the *Washington Post*, Mr Sentsov went on hunger strike, demanding the release of 64 Ukrainian political prisoners held in Russia, although not demanding his own.¹⁰ “The last political prisoner in Russia to die on hunger strike was Anatoly Marchenko, a prominent dissident and member of the Moscow Helsinki group,” writes Vladimir Kara-Murza. “He began a hunger strike in August 1986 demanding the release of Soviet political prisoners. He died in December, after 117 days of refusing food Marchenko’s death caused an international outcry ... ‘The Russian authorities are not interested in the opinion of Russian citizens,’ said Alisa Ganieva, a novelist and the organiser of the pro-Sentsov rally in Moscow. ‘But if Western media talk about Sentsov, perhaps it will be uncomfortable for them. Perhaps international pressure will compel them to release him’. International pressure is now the only force that can alter the Kremlin’s calculus.”

Russia’s longest-serving political prisoner is Alexei Pichugin, who had served as a mid-level security official at the oil corporation Yukos, where Mikhail Khodorkovsky had been the chief executive. Arrested on 19 June 2003, Alexei Pichugin remains in prison today. Describing his case in the *Washington Post* on 19 June 2018, Vladimir Kara-Murza says: “One would have to go back to Stalin’s time to find similarly long sentences. In late Soviet years even the most prominent dissidents ... spent less time in prison. Pichugin is no dissident. As his mother wrote in a letter to Putin, ‘[Alexei] is a very private person who had no intention of fighting anyone, let alone of engaging in politics ... My son is guilty because of one detail in his record: he worked at Yukos.’”¹¹ He is only able to see his mother and sons twice a year through a glass window, and has never seen his grandchildren. The special rapporteur of the Parliamentary Assembly of the Council of Europe has described Mr Pichugin’s treatment as “tantamount to moral torture”. But Vladimir Kara-Murza says “it is not only moral”. Four weeks after his arrest, he was taken for interrogation. “When he was brought back, he did not seem his normal self. ‘He looked down and was unfocused’, recalled his cellmate, Igor Sutgayin. ‘He was not moving normally. It was as if his arms and legs were not bending’. It would take Pichugin several days to feel normal again after overcoming partial memory loss, headaches and high blood pressure. He did not remember the interrogation, only the investigator offering him coffee. Presumably a drug was used in an attempt to extract a confession. The attempt failed; to this day Pichugin refuses to admit guilt or incriminate his former superiors.”

The plight of Russia’s political prisoners, and the widespread use of torture and ill-treatment, must be a priority for the international community in addressing human rights in Russia. “When

¹⁰ Vladimir Kara-Murza, “Only Western pressure can save Oleg Sentsov,” 4 June 2018, *The Washington Post*: https://www.washingtonpost.com/news/democracy-post/wp/2018/06/04/only-western-pressure-can-save-oleg-sentsov/?utm_term=.cbc6b1f219fc

¹¹ Vladimir Kara-Murza, “For Russia’s longest-serving political prisoner, it’s 15 years and counting,” 19 June 2018, *Washington Post*: https://www.washingtonpost.com/news/democracy-post/wp/2018/06/19/for-russias-longest-serving-political-prisoner-its-15-years-and-counting/?utm_term=.f625751f73c1

I speak at international conferences, I talk to foreign journalists or politicians and they ask what people in the West can do to change the situation in Russia,” Zoya Svetova told the Commission. “I always say the same thing: we must write and talk about political prisoners in Russia ... We need to demand their release.”

A list of current political prisoners is attached as an appendix to this report.

The Caucasus

Grave violations of human rights, including enforced disappearance, unlawful detention, torture and other ill-treatment of detainees, and extrajudicial executions in the North Caucasus continue to be reported, according to Amnesty International in their submission to the Commission. The situation in Chechnya is further deteriorating, and impunity for past incidents against human rights defenders in Chechnya continues. Professor Deny Teps of the Brussels Academy of Justice told the Commission that “the scale of the persecution of dissent and violation of human rights and freedoms by the Russian regime in Chechnya has surpassed even the reprisals carried out by the Soviet regime. The degree of instilled fear and the speed of the aggravation of Russia’s tyranny in Chechnya are horrifying. Blatantly violent crimes committed against Chechens by Russians are never investigated and have no prospect for being brought to justice.” Professor Teps recommends the establishment of a United Nations tribunal to investigate crimes under international human rights and humanitarian law perpetrated in Chechnya.

In the words of the World Chechen Congress in their submission, “the Russian occupation of the Caucasus led to a catastrophic loss of life, the destruction of historical values, and the irreversible loss of intellectual and cultural life ... The Caucasus need a new ideology, based on multiculturalism and secularism. But the Russian regime is preventing the emergence of such an ideology in the Caucasus, killing supporters of a secular state in the region, and forcing an increase in support for radical Islam ... That is to say that the presence of Russia in the Caucasus encourages radicalism.” Professor Teps agrees, saying that “the Islamist ideology is the only unifying force there” but argues that the Russian authorities “deliberately eliminate supporters of a secular state and European integration, driving Caucasians into radical Islamism in order to justify its repressive policies in the eyes of the international community”. The Russian authorities, he adds, “intentionally inculcate an alien religious philosophy” and, furthermore, have “purposely ‘zombified’” people in the Caucasus to turn against the West.

The Kremlin-sponsored leader of Chechnya, Ramzan Kadyrov, launched a strong attack on human rights defenders, describing them as “hired snitches” and “enemies of the people”, according to Human Rights Watch. Human rights defenders in Chechnya continue to face beatings, arson attacks, threats and smear campaigns.

Amnesty International told the Commission in their submission that in January 2017, the Speaker of the Chechen Parliament, Magomed Daudov, issued personal threats to the editor of the independent online news project Caucasian Knot, and in April that year journalists from *Novaya Gazeta* received threats from Chechnya for their coverage of the anti-gay campaign in Chechnya. Radio Ekho Moskv journalists also received threats for expressing solidarity with *Novaya Gazeta* journalists, according to Amnesty International.

Since December 2016, *Novaya Gazeta* has reported the unlawful detention of dozens of people, and the secret execution of at least 27 captives by security forces on 26 January 2017, according to Amnesty International.

According to Human Rights Watch, a sustained campaign against the Memorial Human Rights Centre's work in Chechnya is underway, illustrated by the arrest of its director Oyub Titiev on false drug possession charges detailed earlier in this report. A week before his arrest, masked assailants set fire to the Memorial Human Rights Centre's office in Nazran, Ingushetia, destroying most of it, and a week later a vehicle belonging to one of the Memorial Human Rights Centre's staff was torched.

"Within Russia, the human rights situation is particularly acute in Chechnya," Dr Andrew Foxall, Director of the Russia and Eurasia Studies Centre at the Henry Jackson Society concludes in his submission. The private militia of Ramzan Kadyrov, known as the 'Kadyrovtsy', have allegedly conducted many atrocities, under their leader's oversight. "Extreme and arbitrary violence – abductions, detention without trial, disappearances, collective punishment, extrajudicial executions and the systematic use of torture – by authorities is commonplace," Dr Foxall, notes, confirming reports in other submissions.

Crimea

Russia's invasion of Crimea in 2014 has brought with it allegations of grave violations of human rights beyond its borders, as has the wider crisis in Ukraine. In 2017 the Office of the United Nations High Commissioner for Human Rights estimated that ten thousand people had been killed in Donbass (Eastern Ukraine) since the conflict began.

In their joint submission to the Commission, Article 19, the Mass Media Defence Centre and the SOVA Centre detail "a crackdown on independent media, opposition politicians and activists" in Crimea following the annexation. For example, they claim, 43 people expressing dissent have been forcibly disappeared, and six have been found dead. The whereabouts of 17 remains unknown. "None of these disappearances have been effectively investigated and successfully prosecuted", according to these three organisations.

In April 2016, according to the submission of Article 19, the Mass Media Defence Centre and the SOVA Centre, the Supreme Court of Crimea banned the Mejlis, a Crimean Tatar elected representative body, and members of the Mejlis have been subjected to violence, assault and threats. Many are now in exile, and Crimean Tatars have been arrested for peacefully protesting occupation.

Ukrainians criticising Russia have been subject to severe punishment. The case of Oleg Sentsov was described in the previous section, but according to the joint submission received by the Commission by Article 19, the Mass Media Defence Centre and the SOVA Centre, others include Aleksandr Kolchenko, an ecological activist jailed for ten years, and Mykola Semena, a journalist who was given a 30-month suspended sentence on 22 September 2017.

"Following the annexation, media outlets operating in Crimea were required to re-register under Russian regulations," according to Article 19, the Mass Media Defence Centre and the SOVA Centre. Most were refused permission and Ukrainian channels that had been broadcasting in Crimea were blocked. According to the Ukrainian Ministry of Information Policy, 60 Ukrainian online media outlets are now blocked in Crimea and seven radio stations have closed.

The unrecognised Ukrainian Orthodox Church of the Kiev Patriarchate, according to the Henry Jackson Society, has also been targeted and has forced to close some of its parishes.

"Since Crimea was annexed by Russia, authorities have targeted individuals and institutions that are not explicitly pro-Russian," Dr Andrew Foxall concludes. "Pro-Russian paramilitary groups, which act with the authorities' permission, have been implicated in the disappearance of a number of pro-Ukrainian activists and, according to the United Nations, at least one extra-judicial execution."

Violations on the grounds of sexual orientation

Lesbian, gay, bisexual and transsexual (LGBT) people in Russia have faced increasing persecution under Vladimir Putin's regime. According to Human Rights Watch, violent attacks on people on grounds of sexual orientation have increased significantly in recent years, with dozens of people in 2013 and 2014 in particular being beaten, abducted and verbally abused. Human Rights Watch states that many victims do not report such attacks to the police because they fear direct harassment from the police and do not believe that the police will take the attacks seriously.

Rights in Russia confirm this. "Assaults on LGBT people, whether at rallies or more widely in society, are rarely subject to effective investigation or prosecution," they told the Commission. "Anti-LGBT vigilantes even seem to be often acting with tacit official support."

Legislation introduced in 2013 banning what is regarded as 'gay propaganda' marked, in Rights in Russia's view, "a move by the authorities to legalise discrimination against LGBT people."

The situation is particularly severe in Chechnya, where according to *Novaya Gazeta*, over 100 men suspected of being gay were abducted, tortured and ill-treated in secret prisons in April 2017 and some were killed. "Escaped survivors report a campaign of violence co-ordinated by the authorities," Amnesty International claim. "Eyewitnesses have stated that a number of captives have been killed, and some handed over to their families for 'honour killings' under 'local traditions'."

Human Rights Watch confirms this, reporting that from February until April 2017, dozens of men were rounded up by security officials and subjected to torture in an attempt to coerce them into naming gay acquaintances and that security officials exposed some of the captives to their families as gay, and encouraged honour killings. "Chechen authorities responded to the allegations by denying the existence of gay people in Chechnya, suggesting obliquely that families kill their gay relatives, and accusing journalists and human rights defenders of seeking to destabilise the republic," state Human Rights Watch in its submission to the Commission.

Magnitsky legislation

After the murder of his lawyer, Sergei Magnitsky, in a Moscow prison in 2009, American businessman Bill Browder began to campaign internationally for justice and human rights in Russia. Three years later, in 2012, the United States Congress passed a new law, named in memory of Bill Browder's murdered lawyer: the Magnitsky Act, legislation which imposes 'smart' sanctions – visa bans and asset freezes – on particular individuals known to have been involved in torture. It was described by Boris Nemtsov, the opposition leader who was then assassinated in 2015, as “the most pro-Russian law in the history of any foreign Parliament”, because it provides for carefully targeted sanctions against individuals who, in the words of Vladimir Kara-Murza, “violate the rights of Russian citizens and steal the money of Russian taxpayers”. A Global Magnitsky Act was passed by the US Congress in 2016.

As Vladimir Kara-Murza wrote in *The Washington Post*, “it was the smartest approach to sanctions. It avoided the mistake of targeting Russian citizens at large for the actions of a small corrupt clique in the Kremlin and placed responsibility directly where it is due. It was also the most effective approach. The people who are in charge of Russia today like to pose as patriots, but in reality they care little about the country. They view it as merely a looting ground, where they can amass personal fortunes at the expense of Russian taxpayers and then transfer those fortunes to the West.”¹²

Mikhail Khodorkovsky agrees. Writing in the *Wall Street Journal*, the man who was once the wealthiest man in Russia argued that “the best method of targeting Mr Putin's circle is to identify its individual members, along with their accomplices and the politicians they have paid off. Then, the US and its allies could act to cut them off from the mechanisms of their influence – the people, money, and corporations they control in the West. The Magnitsky Act, passed by Congress in 2012, shook the sense of impunity among Mr Putin's allies.”¹³

Similar legislation has now been introduced in at least five other countries around the world, including Canada, Estonia, Lithuania, Latvia, and, earlier this year, the United Kingdom. Gibraltar has also introduced such legislation. Eight other countries are considering legislation: Sweden, France, Germany, the Netherlands, Denmark, Australia, South Africa and Ukraine. Members of the European Parliament have also called on the European Union to adopt similar measures.¹⁴

¹² Vladimir Kara-Murza, “What's really behind Putin's obsession with the Magnitsky Act,” 20 July 2018, The Washington Post: https://www.washingtonpost.com/news/democracy-post/wp/2018/07/20/whats-really-behind-putins-obsession-with-the-magnitsky-act/?utm_term=.4d9f15fab03f

¹³ Mikhail Khodorkovsky, “How to stop Vladimir Putin's Mafia,” 22 April 2018, The Wall Street Journal: <https://www.wsj.com/articles/how-to-stop-vladimir-putins-mafia-1524421182>

¹⁴ Radio Free Europe/Radio Liberty, “MEPs Urge EU Magnitsky Act to Tackle Kremlin's 'Anti-Democratic' Activities”, 26 April 2018: <https://www.rferl.org/a/eu-magnitsky-act-letter-russia-undemocratic-activities/29194557.html>

According to Vladimir Kara-Murza in evidence to the Commission, the practical impact of such legislation can be assessed once it is fully implemented in the countries where there is a significant presence of individuals and assets connected to Vladimir Putin's regime. In the meantime, however, "a very good indicator of its effectiveness is the reaction from Mr Putin's regime itself", he adds. "Frankly, nothing enrages them more than the idea of losing personal access to Western countries and their assets there".

Within hours of his inauguration on 7 May 2012, Mr Putin signed a decree tasking the Russian Foreign Ministry with stopping the Magnitsky legislation as a priority. "The Kremlin's reaction to the Magnitsky legislation has been nothing short of hysterical," says Mr Kara-Murza. "In May 2018, the Russian State Duma unanimously passed on the first reading a bill that would make it a criminal offence, punishable by up to three years in prison, for Russian citizens to advocate for Magnitsky sanctions in other countries." Mr Kara-Murza told the Commission he believes that the two attempts on his life in 2015 and 2017 were particularly a response to his advocacy for Magnitsky legislation.

In July 2018, when US President Donald Trump and Vladimir Putin met in Helsinki, Mr Putin offered to help US investigators gain access to Russian intelligence officers indicted for election hacking in the 2016 US presidential elections, with one condition. "We expect that the Americans would reciprocate and they would question [US] officials ... who have something to do with illegal actions on the territory of Russia," Mr Putin said to Mr Trump. In particular: "Mr Browder".¹⁵

To mention the American-born businessman by name was very significant. In an article in *TIME* magazine, Mr Browder responded: "Putin offered to allow American investigators to interview the 12 Russian intelligence agents just indicted by Special Counsel Robert Mueller in exchange for allowing Russians to have access to me and those close to me. This is no idle threat. For the last ten years, I've been trying to avoid getting killed by Putin's regime, and there already exists a trail of dead bodies connected to its desire to see me dead. Amazingly, Trump stood next to him, appearing to nod approvingly. He even later said that he considered it 'an incredible offer'. I'm lodged so firmly under Putin's skin because I'm the person responsible for getting the Magnitsky Act passed in the United States in 2012 ... Since then, Putin has made it perhaps his largest foreign policy priority to have the Magnitsky Act repealed. But none of his efforts have worked ... The Magnitsky Act is going viral, and countries that have Magnitsky Acts are sanctioning Putin's cronies."¹⁶

Mr Browder concluded: "The biggest mistake that Putin made in his offer today to effectively swap me for the 12 Russian agents is that he went to the wrong head of state. Although I was born in America, I emigrated to the United Kingdom 29 years ago and am a British citizen. If he really wants me, he better go talk to Theresa May, who might have a few choice words for him

¹⁵ Bill Browder, "I'm Bill Browder. Here's the Biggest Mistake Putin Made When Trying to Get Access to Me Through Trump," 17 July 2017, *TIME*: <http://time.com/5340545/bill-browder-vladimir-putin-magnitsky-act-donald-trump/>

¹⁶ Ibid.,

after Russian agents spread the military-grade nerve agent Novichok across the cathedral town of Salisbury.”

As Vladimir Kara-Murza concludes: “Vladimir Putin has left no doubt: The biggest threat to his regime is the Magnitsky Act, which stops its beneficiaries from doing what has become their raison d’etre – stealing in Russia and spending in the West. It is time for more Western nations to adopt this law – and for the six countries that already have it to implement it with vigour and resolve.”¹⁷

¹⁷ Vladimir Kara-Murza, “What’s really behind Putin’s obsession with the Magnitsky Act,” 20 July 2018, The Washington Post: https://www.washingtonpost.com/news/democracy-post/wp/2018/07/20/whats-really-behind-putins-obsession-with-the-magnitsky-act/?utm_term=.4d9f15fab03f

Conclusions

As numerous submissions to this inquiry of our Commission evidenced, human rights are routinely and severely violated and increasingly threatened by Vladimir Putin's regime in Russia today.

As this report outlines, freedom of expression, freedom of the press, freedom of assembly and association, freedom of religion or belief and space for civil society are increasingly restricted, and severe violations of human rights are being perpetrated in particular in Chechnya and extra-territorially in Crimea. Reports of torture and ill-treatment continue to be widespread, and the intimidation, harassment, imprisonment and murder of political dissidents, activists and journalists remains a grave concern. There is, said Mikhail Khodorkovsky in our hearing, "no mechanism for the defence of human rights" within Russia. "If you claim Crimea belongs to Ukraine, you face a huge fine or imprisonment. If you say sanctions are correct, you will be in prison. If you say Russian civil servants are stealing our money, you will be in prison. Space for civil society is shrinking all the time, and the media is controlled by the government. The regime's opponents are threatened and assassinated."

In addition to human rights violations within Russia, interference in the elections of other countries, along with the spread of disinformation, illustrate what one expert who wishes to remain anonymous described to the Commission as "the extra-territorial violations of human rights" by Russia's regime. While propaganda has always been a tool in international relations, its use has now reached a critical level. "It is therefore absolutely vital that we pay particular attention to this phenomenon," this expert argues.

It is time for the international community as a whole, and the United Kingdom in particular, to step up its response to the human rights crisis in Russia. Marina Litvinenko, widow of murdered Alexander Litvinenko, told the Commission, "human rights activists in Russia need to be supported and have their voice heard. It is important to give these people hope."

Speaking out consistently and clearly is vital. According to Vladimir Kara-Murza, "the most important way in which the international community can support Russian political prisoners is public advocacy. Western leaders should raise specific cases and specific names, both in public and in their meetings with Russian officials, calling for the release of those who are held in detention for political or religious reasons ... Western leaders should not underestimate the importance of publicly raising the cases of political prisoners in Russia."

Countering the Russian regime's propaganda is essential. Peter Pomerantsev, author of *Nothing Is True and Everything is Possible: Adventures in Modern Russia*, told the Commission that Russia's national television and Internet is full of propaganda and "non-stop defamation" of critics of Vladimir Putin. Yet Western corporations advertise on the same channels. "Russian propaganda is paid for by Western companies. We need to create a culture where it's not normal for Western advertising to be alongside hate speech," he said. As David Satter, senior fellow at the Hudson Institute and author of *The Less You Know, the Better You Sleep: Russia's Road to*

Terror and Dictatorship under Yeltsin and Putin told the Commission, “those of us who have access to free information must try to set the historical record straight in Russia”. The Russian people, he added, are “increasingly zombified by totalitarian propaganda which allows for little opening for information”. The international community has an obligation to “give the people of Russia what they need – most of all, the truth.”

Two avenues for regular advocacy are the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe, because Russia is a member of both and as such has clear obligations with regard to fundamental rights and freedoms, including the right to a fair trial, freedom of assembly, freedom of expression and the right to free elections. The OSCE Moscow Document explicitly states that “issues relating to human rights, fundamental freedoms, democracy and the rule of law ... are matters of direct and legitimate concern to all participating states and do not belong exclusively to the internal affairs of the state concerned.” As Vladimir Kara-Murza told the Commission, “it is therefore incumbent on Russia’s partners in the Council of Europe and the OSCE, including the United Kingdom, to publicly and directly raise that legitimate concern when the Russian government violates its commitments.”

The United Kingdom should also seek to send its diplomats in Russia to attend trials of dissidents, as some other countries have done. Sometimes this can have an effect. As Oleg Kozlovsky told the Commission, when US and Swedish diplomats attended the trial of opposition leader Alexey Navalny in 2013, “the trial did not end in his imprisonment because of the Kremlin’s fear of a strong international reaction”.

As this report has outlined, addressing human rights in Russia is not simply a matter of moral duty. It is also in our own national interest. With attacks on Russian exiles on British soil impacting our own citizens, the United Kingdom cannot ignore the growing repression in Russia itself. “The murder of Alexander Litvinenko in 2006 with radioactive polonium-210 should have been a watershed moment in the UK’s relations with Russia, but it wasn’t,” write Marina Litvinenko and Andrew Foxall in the *Times*. “More than a decade ago the UK chose not to confront Russia. The impacts of that decision are still being felt today, from Wiltshire to Washington DC.”¹⁸

The introduction of Magnitsky legislation is a key step forward. As Vladimir Kara-Murza notes, “for a long time, the United Kingdom – with its top-class education system, its attractive real estate market, and, above all, its strong legal protections – has been a favoured destination for Kremlin officials and Kremlin-connected oligarchs ... ‘Londongrad’ has long ceased to be a joke and become an accepted term of modern political geography.”¹⁹

¹⁸ Marina Litvinenko and Andrew Foxall, “Putin emboldened by failure to act on Litvinenko murder,” 17 July 2018, *The Times*: <https://www.thetimes.co.uk/article/a-decade-on-from-alexander-litvinenko-s-death-britain-is-still-feeling-the-impact-of-not-standing-up-to-putin-vxk8c885v>

¹⁹ Vladimir Kara-Murza, “The UK makes history on human rights,” 2 May, *The Washington Post*: https://www.washingtonpost.com/news/democracy-post/wp/2018/05/02/the-uk-makes-history-on-human-rights/?utm_term=.ce86d644028a

For that reason, he argues, amendments to the Sanctions and Anti-Money Laundering Bill, to include personal sanctions that will “provide accountability for or be a deterrent to gross violations of human rights, which were passed by the House of Commons in May this year, combined with new measures compelling British overseas territories to publicly disclose company ownership registers by the end of 2020, could, if properly implemented, be “a momentous step in turning the tide against money launderers and human rights abusers in a country many of them have been treating as a sanctuary.”

It is vital that this legislation is now properly, effectively and immediately implemented. “All we want is for the West to stop supporting Vladimir Putin’s regime by providing its cronies and oligarchs with safe havens to park their ill-gotten money,” writes Mr Kara-Murza. “With its vote on May 1, the British Parliament has done just that. It is to be hoped that other democracies will soon follow.”²⁰

The courage and dedication of many Russian activists, some of whom the Commission was privileged to meet or speak with, is inspiring. “I have been arrested dozens of times – I stopped counting when it was about 30 – for organising or participating in protests, sometimes beaten in the process,” Oleg Kozlovsky told the Commission. “I have been detained for up to 15 days several times ... I was illegally drafted into the army on a request to isolate me during [a] presidential campaign ... Police have several times raided offices of my organisations, always without any legal grounds. I have been followed and received death threats; my home address has been published by some people. I lost a job in a company after my boss was visited by FSB officers. My Telegram account has been hacked ... The one thing I enjoyed was when pro-Kremlin media accused me of being a traitor who was preparing to overthrow Putin on orders from John McCain. It may look like a lot, but in fact it is nothing out of the ordinary. I know a lot of people who face much greater risks and, while it certainly is not good, the fact that such people exist gives me hope. I don’t think that Russian civil society can be destroyed or forced into submission by this regime.” Just as this report was going to print, the Commission received news that Oleg Kozlovsky had been “abducted, beaten, and subjected to terrifying mock executions” in Ingushetia, North Caucasus, before being released, according to Amnesty International.²¹ His abductors reportedly claimed to be from the security services. Mr Kozlovsky wrote on Twitter on 15 October 2018 that his kidnappers brought him to a remote place where they stripped him naked, punched him, broke a rib, took photos, and threatened to rape him. He alleges that they put a gun to the back of his head and said they were going to shoot him. His telephone and camera were confiscated, and

²⁰ Ibid.,

²¹ Amnesty International, “Russia: Amnesty researcher abducted and subjected to mock executions in Ingushetia”, 15 October 2018 - <https://www.amnesty.org/en/latest/news/2018/10/russia-amnesty-researcher-abducted-and-subjected-to-mock-executions-in-ingushetia/>

they reportedly warned that his children would be killed if he ever spoke about this ordeal.²² It is for people like Oleg Kozlovsky that we publish this report, pledge to stand by them and speak up for them, and urge the government of the United Kingdom to do the same.

²² Radio Free Europe/Radio Liberty, “Amnesty says Ingushetia researcher stripped, beaten, subjected to mock execution,” 15 October 2018 - <https://www.rferl.org/a/amnesty-researcher-subjected-to-terrifying-mock-executions-in-ingushetia/29544402.html>

Appendix: Political prisoners in Russia (Russian Citizenship):

List of individuals recognized as political prisoners by the Memorial Human Rights Centre

Barabash, Kirill Vladimirovich
 Bobyshev, Svyatoslav Vasilyevich
 Dmitiev, Yuri Alekseyevich
 Geriyev, Zhelaudi Nasrudinovich
 Ivanov, Igor Romanovich
 Kravtsov, Gennady Nikolaevich
 Krepkin, Dmitri Mikhailovich
 Kodayev, Rasul Vladimirovich
 Lapygin, Vladimir Ivanovich
 Mamayev, Alexander Arkadiyevich
 Maryan, Roman Yevgeniyevich
 Miloserdov, Piotr Kimovich
 Orshulevich, Alexander Vladimirovich
 Parpulov, Piotr Ivanovich
 Pichugin, Alexei Vladimirovich
 Politikov, Alexei Vladimirovich
 Reznikov, Sergey Petrovich
 Rudnikov, Igor Petrovich
 Safargali, Danis Vildanovich
 Saltykov, Konstantin Matveyevich
 Savostin, Mikhail Olegovich
 Sentsov, Nikolai Alexandrovich
 Shishkin, Vitaly Viktorovich
 Shpakov, Alexander Yuryevich
 Sidorov, Yan Vladimirovich
 Smyshlyayev, Maxim Nikolayevich
 Staroverov, Yury Viktorovich
 Titiev, Oyub Salmanovich
 Tretyakov, Dmitry Aleksandrovich
 Tsakunov, Mikhail Sergeyevich
 Tyumentsev, Vadim Viktorovich
 Zagreyev, Robert Raufanovich
 Zimovets, Stanislav Sergeyevich

List of individuals recognized as political prisoners by the Memorial Human Rights Centre and persecuted in connection with their right to freedom of religion or belief

Adiyev, Azat Galimzyanovich

Aidarbekov, Aidar Albertovich
Akhmetov, Radik Mudarisovich,
Akhmetshin, Fanis Faritovich
Akhtakhanov, Tagir Tapayevich
Aliyev, Sakhlib Yakub ogly
Alushkin, Vladimir Aleksandrovich
Asylov, Ruslan Denisovich
Balakadashev, Inyal Ibragimovich
Balakadashev, Nurmagomed Ibragimovich
Battalov, Ilshat Nelevich
Bazhenov, Konstantin Viktorovich
Britvin, Sergey Alekseyevich
Budenchuk, Alexey Vladimirovich
Cheprasov, Sergei Sergeyeovich
Christensen, Dennis Ole
Dapayev, Ziyavdin Badirsoltanovich
Davletshin, Ruzim Rimovich
Dindarov, Marat Rafikovich
Esmurzayev, Khoso Gashimovich
Faizrakhmanov, Danis Mirratovich
Faizullin, Aidar Rifovich
Fattakhov, Rafael Raulevich
Fattakhov, Ruslan Vakilevich
Fazylov, Aramis Fanisovich
Gabdullin, Rustam Alfridovich
Galimkhanov, Rustam Rafitovich
Galiullin, Rinat Faizulloevich
Gallyamov, Rustem Ravilevich
Garifyanov, Aidar Ralifovich
Gataullin, Ramil Irshatovich
Gataullin, Rishat Razitovich
Gimaletdinov, Ilgiz Failovich
Ibatullin, Rainur Anisovich
Imangulov, Radik Zufarovich
Inamov, Azizbek Khalikovich
Ironov, Sukhrob Rustamovich
Ismailov, Shamil Magomedrasulovich
Kaltuyev, Artur Abdulgamidovich
Kaltuyev, Sukhrab Abdulgamidovich
Karimov, Ilkham Shamilevich
Kayumov, Azamat Rinatovich
Khafizov, Asgat Khasanovich
Khakimullin, Amir Rinatovich
Khamadeyev, Alexei Alfratovich

Khamzin, Rustem Valeryevich
Khasanov, Azat Damirovich
Khevronin, Pavel Vladimirovich
Khodjayev, Naimdjon Mubinovich
Khusenov, Alisher Khasanovich
Khusniyarov, Shamil Faritovich
Kim, Yevgeny Lvovich
Klimov, Sergey Gennadyevich
Kochnev, Vladimir Yuryevich
Kolbanov, Vladislav Sergeyeovich
Kornev, Alexander Valeryevich
Kulagin, Yevgeny Viktorovich
Kulyasov, Vladimir Aleksandrovich
Kurbanov, Saipula Djabrailovich
Kurbonov, Mirzobakhovaddin Abduakhadovich
Kutluyarov, Gazim Gafarovich
Latypov, Rustem Maratovich
Levchuk, Vadim Anatolyevich
Magliv, Andrey Aleksandrovich
Magomedov, Khiramagomed Gadzhiyevich
Magomedov, Magomednabi
Makhmadiyev, Felix Khasanovich
Makhmudov, Tazhib Taimirovich
Maksutov, Radmir Yusifovich
Mamayev, Rinat Mazitovich
Markin, Roman Nikolayevich
Maslakov, Artur Konstantinovich
Matrashov, Konstantin Viktorovich
Matsitsky, Ivan Valdimirovich
Mikhailov, Dmitry Vasilyevich
Miniakhmetov, Naïl Radikovich
Mustafayev, Farid Ramazanovich
Mustafin, Khalil Fanavievich
Myakushin, Vladimir Nikolayevich
Nasimova, Matlyuba Islomovna
Numonchonov, Akmalchon Numonchonovich
Nurlygayanov, Rinat Ranifovich
Osadchuk, Valentin Pavlovich
Petrov, Konstantin Nikolayevich
Polyakov, Sergey Valeryevich
Polyakova, Anastasia Andreyevna
Puida, Ivan Grigoryevich
Puigin, Maksim Viktorovich
Ramazanov, Islam Magamedkerimovich

Rakhmonkhodjayev, Zikrullokhon Faizullokhodjaevich
Saitov, Lenar Azatovich
Salakhov, Ilgiz Askhatovich
Salimov, Artur Raulevich
Salimov, Ilshat Maratovich
Salimzyanov, Arslan Talgatovich
Saraliyev, Ersmak Shagidovich
Satayev, Rasim Radikovich
Shafiyev, Albert Rimovich
Shakirov, Airat Ilgizarovich
Shaikhutdinov, Ildar Khamitovich
Sharipov, Shamil Khazhgalievich
Shavkatov, Ibrahim Mirkanovich
Shavkhalov, Adam Akhmedovich
Solovyov, Alexander Vasilyevich
Stupnikov, Andrei Garafetanovich
Suleimanov, Aslan Beslanovich
Suvorov, Alexander Gennadyevich
Tagirov, Irek Rishatovich
Tekilov, Anzor Mauletovich
Tekilov, Artur Mauletovich
Tekilov, Imran Mauletovich
Terentyeva, Anastasia Gennadiyevna
Timoshin, Denis Vladimirovich
Trofimov, Viktor Fyodorovich
Uzbekov, Timur Narimanovich
Vakhitov, Linar Munirovich
Valiullin, Albert Rafikovich
Velitov, Makhmud Abdulkhakovich
Vilitkevich, Anatoly Sergeyeovich
Yakupov, Ural Gaifulloevich
Yerkin, Sergey Liviyevich
Yesaulkova, Konstantsiya Valeriyevna
Yulmetyev, Aidar Maratovich
Yunusov, Naïl Vazhibovich
Zaripov, Radik Ramilovich
Zyablov, Yevgeny Anatolyevich

Ukrainian Political Prisoners imprisoned by Russia in the territory of the Russian Federation or Crimea

List of Individuals Recognized as Political Prisoners by the Memorial Human Rights Centre:

Bakholdin, Denis Igorevich,
 Balukh, Volodymyr Hryhorovych,
 Dadeu, Mykola Petrovych,
 Karpyuk, Mykola Andronovych,
 Klykh, Stanyslav Romanovych,
 Kolchenko, Oleksandr Oleksandrovych,
 Kolomiyets, Andrii Volodymyrovych,
 Lytvynov, Serhiy Mykolayovych
 Prysych, Volodymyr Serhiyovych,
 Sentsov, Oleg Gennadyevich,
 Shabliy, Hlib Fedorovych,
 Shatrovsky, Vyacheslav Robertovich,
 Shumkov, Oleksandr Serhiyovych,
 Ternovsky Roman Leonidovich,

List of Individuals Recognized as Political Prisoners by the Memorial Human Rights Centre and persecuted in connection with the right to freedom of religion or belief

Abiltarov, Rustem Seiranovich,
 Abseitov, Zevri Serdarovich,
 Alimov, Refat Mametovich,
 Aliyev, Muslim Nurievich,
 Bekirov, Enver Nebiyevich,
 Dzheparov, Arsen Bormambetovich,
 Kuku, Emir-Usein Kemalovich,
 Mamutov, Enver Shevketovich,
 Memedeminov, Nariman Ibraimovich,
 Memetov, Remzi Shavkayevich,
 Primov, Yury Vladimirovich,
 Saifullayev, Ferat Refatovich,
 Siruk, Vadim Andreyevich,
 Vaitov, Rustem Mamutovich,
 Zeitullayev, Ruslan Borisovich,

The Memorial Human Rights Centre includes people in their lists only when they are able to verify their sentences and can confirm that these individuals meet the criteria of political prisoners or prisoners of conscience. It can sometimes be impossible to verify such cases, or it can take a long time, so as a result, these lists are incomplete. Full criteria for the verification of political prisoners can be found on the

Memorial Human Rights Centre website.²³ In addition to the Memorial Human Rights Centre's List, the Centre for Civil Liberties' "Let My People Go" campaign for detained Ukrainians provides the following list.²⁴ The criteria on which this list was completed can be found on the Centre for Civil Liberties website.²⁵

Abdullaev Teymur
Abdullaev Uzier
Abdurakhmanov Talyat
Ametov Ernest
Ametov Kazim
Asanov Ali
Asanov Marlen
Belyalov Memet
Bessarabov Oleksiy
Degermendzhy Bekir
Degermendzhy Mustafa
Dudka Volodymyr
Dzhemadenov Emil
Hryb Pavlo
Chapukh Asan
Chyrniy Oleksiy
Ibragimov Timur
Ismailov0 Rustem
Karakashev Yevhen
Kubedinov Arsen
Kuyashko Ihor
Lymeshko Hennady
Minasov Emil
Mustafaev Seiran
Mustafaev Server
Panov Yevhen
Saledinov Aider
Saliev Seiran
Seytosmanov Enver
Shtyblikov Dmytro
Shur Viktor
Shyptur Mykola
Sizonovych Oleksiy
Smailov Edem
Steshenko Oleksandr

²³ See <https://memohrc.org/ru/specials/guidelines-definition-political-prisoner>

²⁴ See <http://letmypeoplego.org.ua/list/>

²⁵ Ibid.

Stohniy Oleksiy
Suleymanov Renat
Sushchenko Roman
Trubach Ruslan
Vyhivsky Valentyn
Zakhtei Andriy
Zekeryaev Server